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REPORTER'S RECORD
VOLUME 35 OF 59 VOLUMES
TRIAL COURT CAUSE NO. 08CR0333
COURT OF CRIMINAL APPEALS CAUSE NO. AP-78,525

TRAVIS JAMES MULLIS,	*	IN THE DISTRICT COURT
	*	
APPELLANT	*	
	*	
VS.	*	GALVESTON COUNTY, TEXAS
	*	
THE STATE OF TEXAS,	*	
	*	
APPELLEE.	*	122ND JUDICIAL DISTRICT

FILED IN
COURT OF CRIMINAL APPEALS
OCT 27 2011

Louise Pearson, Clerk

00:00

HEARING ON MOTION TO WAIVE
POST-CONVICTION HABEAS REVIEW

On the 11th day of October, 2011, the following
proceedings came on to be heard in the above-entitled
and numbered cause before the Honorable John Ellisor,
Judge presiding, held in Galveston County, Texas;
Proceedings reported by machine shorthand.

ORIGINAL

1 A P P E A R A N C E S

2

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4

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VOLUME 35				
MOTION TO WAIVE POST-CONVICTION HABEAS REVIEW				
EXHIBIT INDEX				
STATE'S EXHIBITS	DESCRIPTION	OFFERED	ADMITTED	
1	Dr. Scarano's report	5	5	
2	Copy of hearing on pro se motion	5	5	
3	CD - video and article GDN	5	5	
4	Polunsky records	5	5	
5	TDCJ medical records	5	5	

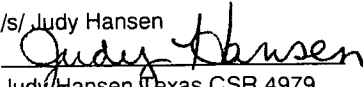
- October 11, 2011

<p style="text-align: right;">5</p> <p>1 OCTOBER 11, 2011</p> <p>2 (Open court, Defendant present)</p> <p>3 THE COURT: Cause No. 08CR0833, the State</p> <p>4 of Texas versus Travis James Mullis. And because we're</p> <p>5 on the record, I will ask that the attorneys for the</p> <p>6 State and for the Defense to orally state their names</p> <p>7 and who they represent.</p> <p>8 MS. CAMERON: For the State, Your Honor,</p> <p>9 Donna Cameron.</p> <p>10 MR. ROADY: And Jack Roady.</p> <p>11 MS. ALLEN: And Kayla Allen.</p> <p>12 THE COURT: Thank you.</p> <p>13 MR. LEVENSON: On behalf of Travis Mullis</p> <p>14 I'm Brad Levenson, Director of the Office of Capital</p> <p>15 Writs.</p> <p>16 MR. ROMIG: And Robert Romig, Office of</p> <p>17 Capital Writs.</p> <p>18 THE COURT: Thank you. It is October the</p> <p>19 11th, 2011, at about 1:15 PM. Good afternoon, Mr.</p> <p>20 Mullis.</p> <p>21 THE DEFENDANT: Good afternoon, Judge.</p> <p>22 THE COURT: I understand we're here today</p> <p>23 to review the petitioner, Mr. Mullis's motion to waive</p> <p>24 his post-conviction habeas review.</p> <p>25 Mr. Levenson, would you like to proceed?</p>	<p style="text-align: right;">7</p> <p>1 seriously and I appreciated that he kept me informed</p> <p>2 throughout the whole time. And we have read thoroughly</p> <p>3 his report. We don't have any objections to the report</p> <p>4 as a whole; so, we certainly have no problems putting</p> <p>5 it into evidence.</p> <p>6 What I would like to put on the record is</p> <p>7 that we have strenuously objected to Mr. Mullis about</p> <p>8 waiving. We think that's important to state. We</p> <p>9 started visiting Mr. Mullis in April when he was still</p> <p>10 in Galveston. Myself or Mr. Romig, who's co-counsel,</p> <p>11 or the other attorneys in the office or other</p> <p>12 investigators have visited Mr. Mullis between -- I</p> <p>13 would say between 8 and 12 times between that time in</p> <p>14 Galveston and since he's been in Polunsky. We go at</p> <p>15 least twice a month to Polunsky and visit all of our</p> <p>16 clients.</p> <p>17 It was after our first visit that</p> <p>18 Mr. Mullis wrote me a letter and said that he wanted to</p> <p>19 waive and I came back to Galveston to see Mr. Mullis</p> <p>20 and we had a lengthy conversation. It was about the</p> <p>21 same time that he was waiving his appeal. And I got</p> <p>22 Mr. Mullis to agree to give us -- I think at that time</p> <p>23 two weeks to continue working on his case and we've had</p> <p>24 a lengthy dialogue the last six months where we've</p> <p>25 gotten an extension of time from Mr. Mullis, a chance</p>
<p style="text-align: right;">6</p> <p>1 MR. LEVENSON: We wanted to put a couple</p> <p>2 of things on the record but I don't know if the Court</p> <p>3 wanted to question Mr. Mullis first and then we could</p> <p>4 put this on the record after or we could put our</p> <p>5 thoughts on the record first. I'll leave it up to you.</p> <p>6 THE COURT: I'm going to begin by allowing</p> <p>7 you and the State, if they have any questions for</p> <p>8 Mr. Mullis. Then I'll ask for any followups.</p> <p>9 I'll state for the record I'm very</p> <p>10 familiar with Mr. Mullis' case having been the</p> <p>11 presiding Judge from Day 1 on this case. I have</p> <p>12 reviewed his affidavit. I've reviewed the report that</p> <p>13 was written by Dr. Scarano when he was requested to</p> <p>14 evaluate Mr. Mullis' competency to waive the issue.</p> <p>15 So, I will begin by deferring to the</p> <p>16 attorneys to ask some questions if they choose.</p> <p>17 MR. LEVENSON: I don't have any questions</p> <p>18 for Mr. Mullis. What I'd like to do is put some of our</p> <p>19 thoughts on the record.</p> <p>20 THE COURT: You may proceed.</p> <p>21 MR. LEVENSON: Thank you, Your Honor.</p> <p>22 First we'd like to thank you for ordering</p> <p>23 the evaluation. We appreciate that. I've spoken</p> <p>24 multiple times to Dr. Scarano before, during, and after</p> <p>25 the process and I believe he took his job very</p>	<p style="text-align: right;">8</p> <p>1 to work on his case.</p> <p>2 There had been some back and forth in that</p> <p>3 six months. Travis has pretty much maintained he</p> <p>4 wanted to waive but would give us the opportunity to</p> <p>5 review his case and we have had some opportunity to</p> <p>6 review his case but certainly not enough time.</p> <p>7 What we have done so far is we have</p> <p>8 started the investigative process in Texas. It takes</p> <p>9 about a year and a half between the time someone is</p> <p>10 convicted and the time their State habeas is due in the</p> <p>11 convicting court. So, we've had about six months.</p> <p>12 In that time we have collected trial</p> <p>13 counsels' file and have interviewed at least one of the</p> <p>14 trial counsel. We have contacted every defense expert</p> <p>15 on the case, those who testified and those who did not</p> <p>16 and received their reports and have talked to them</p> <p>17 about the case.</p> <p>18 We have visited and talked with some of</p> <p>19 Mr. Mullis' family. We went to see his mother in</p> <p>20 Florida and have talked extensively with his</p> <p>21 half-brother and half-sister in North Carolina. I</p> <p>22 believe they came down and testified at trial. And we</p> <p>23 actually had a visit planned to go to North Carolina.</p> <p>24 We suspended it when it looked like Mr. Mullis was</p> <p>25 going to affirmatively waive.</p>

<p style="text-align: right;">9</p> <p>1 One thing that we have not had a chance to</p> <p>2 do yet, which I think is most important, is to review</p> <p>3 the transcript. The transcript, we understand, will be</p> <p>4 coming out this week or soon thereafter. It's a very</p> <p>5 important part of our investigative process. We can</p> <p>6 read the trial counsels' file, we can talk to trial</p> <p>7 counsel, we can talk to experts but until we read the</p> <p>8 transcript of the trial, we can't really put the whole</p> <p>9 trial into context and come up with a determination of</p> <p>10 what issues should be raised and what issues are not</p> <p>11 going to be very fruitful. And because we haven't read</p> <p>12 the transcript, we haven't had a chance to do that most</p> <p>13 important part of our job which is to put the trial in</p> <p>14 context. We have not had time to interview witnesses</p> <p>15 or jurors. We don't do that until we've read the</p> <p>16 transcript; so, that's something we would have done</p> <p>17 later on down the road.</p> <p>18 Mr. Romig came here yesterday and began</p> <p>19 his review of the trial counsels' file and I appreciate</p> <p>20 all the cooperation from the Galveston District</p> <p>21 Attorney's Office throughout this whole procedure. Mr.</p> <p>22 Romig reviewed about 11 boxes but there are a</p> <p>23 significant number of boxes to go. So, we haven't had</p> <p>24 a chance to complete that.</p> <p>25 We have told this to Mr. Mullis. We had</p>	<p style="text-align: right;">11</p> <p>1 where we are in our investigation at this point and to</p> <p>2 perhaps kick this can down the road a little bit</p> <p>3 farther so we can have more time to work on Mr. Mullis'</p> <p>4 case and he can make even a more informed decision</p> <p>5 about what this office can do for him. I just don't</p> <p>6 think he can make that decision right now.</p> <p>7 Thank you, Your Honor.</p> <p>8 THE COURT: Ms. Cameron.</p> <p>9 MS. CAMERON: Briefly, Your Honor, I would</p> <p>10 like to say that we have tried to cooperate in every</p> <p>11 way that we can with Mr. Levenson. The State of Texas</p> <p>12 does not oppose his request for an extension of time,</p> <p>13 especially considering the review of the transcript and</p> <p>14 the time that might take.</p> <p>15 We have provided our files to Mr. Levenson</p> <p>16 and to his office. Again, they are voluminous with the</p> <p>17 exception of the work product. It probably is</p> <p>18 contained in, give or take, about 15 or so boxes</p> <p>19 including if they wish to review that information that</p> <p>20 we have from the voir dire.</p> <p>21 In dealing with Dr. Scarano's evaluation,</p> <p>22 we have done a subpoena. We did subpoenas for any and</p> <p>23 all records that Dr. Scarano requested. We do have an</p> <p>24 affidavit of no records regarding any mail. I know</p> <p>25 that Mr. Mullis had been communicating but at the time</p>
<p style="text-align: right;">10</p> <p>1 that conversation again today, that we would like more</p> <p>2 time to do our job and to determine what issues can be</p> <p>3 raised and what issues can't. And we are not near that</p> <p>4 yet. We just don't have an idea how this investigation</p> <p>5 will completely gel. And, so, again I asked Mr. Mullis</p> <p>6 for more time and he can tell you whether he would</p> <p>7 agree to that.</p> <p>8 I've had conversations with Mr. Mullis</p> <p>9 like I've had conversation with other clients who have</p> <p>10 told me they don't want a life without parole sentence,</p> <p>11 but I've seen the end game, Your Honor, and I've seen</p> <p>12 clients at the last minute, last seconds of their lives</p> <p>13 who would have given anything for more time. And</p> <p>14 Travis is 25 and I think most 25-year-olds probably</p> <p>15 don't know exactly what they want.</p> <p>16 So, while I hear Mr. Mullis and believe he</p> <p>17 truly believes that he does not want a life without</p> <p>18 parole sentence, if that's the best he could get. I</p> <p>19 know from experience that clients do change their mind</p> <p>20 as litigation gets farther down the road. I've also</p> <p>21 explained this to Mr. Mullis.</p> <p>22 So, while I do understand Dr. Scarano's</p> <p>23 report and I don't have any objections to the content</p> <p>24 of the report, I would actually ask you to look beyond</p> <p>25 that report and to look at the age of Mr. Mullis and</p>	<p style="text-align: right;">12</p> <p>1 that we did the subpoena, it was then that we put the</p> <p>2 request for the mail covers so there are no letters and</p> <p>3 we specifically excluded anything that might be</p> <p>4 attorney/client privileged communication.</p> <p>5 I would like to offer for the record and</p> <p>6 for the Court's consideration those things that were</p> <p>7 provided to Dr. Scarano and also forwarded to</p> <p>8 Mr. Levenson so that he would have that to review and</p> <p>9 Dr. Scarano for his review to make his final decision.</p> <p>10 For the record, we, of course, would like</p> <p>11 to provide State's Exhibit No. 1 which is a complete</p> <p>12 copy of Dr. Scarano's report. Additionally, State's</p> <p>13 Exhibit No. 2 is a transcript from the hearing that was</p> <p>14 held on May 20th, 2011 on the hearing for the pro se</p> <p>15 motion where the Defendant waived his direct appeal</p> <p>16 attorney, Wayne Hill. And, again, that has also been</p> <p>17 provided to Mr. Levenson.</p> <p>18 Additionally, we have a State's Exhibit</p> <p>19 No. 3 where the Defendant when he was bench-warranted</p> <p>20 specifically for this hearing, he granted what is now I</p> <p>21 believe a second interview with Chris Paschenko where</p> <p>22 he was asked a lot of questions about his case and his</p> <p>23 appeal and that was also provided to Dr. Scarano and is</p> <p>24 referenced in his report and it was also provided to</p> <p>25 Mr. Levenson.</p>

<p style="text-align: right;">13</p> <p>1 Additionally, State's Exhibit No. 4 are</p> <p>2 the records from the Polunsky Unit which are the</p> <p>3 complete classification file of the Defendant. And</p> <p>4 State's Exhibit 5, which are the medical records for</p> <p>5 Travis Mullis from TDCJ Health Services archives that</p> <p>6 were also provided to Dr. Scarano and to Defense</p> <p>7 counsel.</p> <p>8 And at this time that's all I would like</p> <p>9 to put on the record and I will tender that to the</p> <p>10 Court.</p> <p>11 THE COURT: Any objection to the admission</p> <p>12 of those documents?</p> <p>13 MR. LEVENSON: No, Your Honor.</p> <p>14 THE COURT: State's Exhibits 1 through 5</p> <p>15 are admitted.</p> <p>16 Well, Mr. Mullis, let's hear from you.</p> <p>17 What are your thoughts regarding allowing the process</p> <p>18 to go on and Mr. Levenson and his office continuing to</p> <p>19 investigate your case and represent you or pressing on</p> <p>20 with your attempt to waive that process?</p> <p>21 THE DEFENDANT: Continue with my waiver of</p> <p>22 the process.</p> <p>23 THE COURT: Okay. Tell me why.</p> <p>24 THE DEFENDANT: As I stated to you before</p> <p>25 when I was waiving my counsel with Mr. Hill, I've</p>	<p style="text-align: right;">15</p> <p>1 office are educated, trained appellate specialists.</p> <p>2 They are experienced in reviewing trial transcripts,</p> <p>3 talking to witnesses and pouring through evidence and</p> <p>4 discovering things that might change the outcome of</p> <p>5 your trial.</p> <p>6 THE DEFENDANT: I'm sure that's the same</p> <p>7 as the case was with Mr. Hill, sir. I'm aware of that.</p> <p>8 THE COURT: Okay. And if you waive this,</p> <p>9 they stop doing that. That's the point. Waive means</p> <p>10 to give up.</p> <p>11 THE DEFENDANT: I understand.</p> <p>12 THE COURT: That they would stop the whole</p> <p>13 process of working on your behalf, trying to find</p> <p>14 something that might change the ultimate outcome.</p> <p>15 THE DEFENDANT: I understand that, sir.</p> <p>16 THE COURT: Do you have any questions for</p> <p>17 the Court?</p> <p>18 THE DEFENDANT: No, sir.</p> <p>19 THE COURT: Any questions for your</p> <p>20 counsel?</p> <p>21 THE DEFENDANT: They've all been answered</p> <p>22 previously.</p> <p>23 THE COURT: Okay.</p> <p>24 Mr. Levenson, do you have anything</p> <p>25 further?</p>
<p style="text-align: right;">14</p> <p>1 accepted the punishment the jury's given me. I have no</p> <p>2 issue with that punishment. I accept my consequence</p> <p>3 for my actions and I'm choosing to stick with it.</p> <p>4 THE COURT: You are 25 years old today; is</p> <p>5 that correct?</p> <p>6 THE DEFENDANT: Yes, sir.</p> <p>7 THE COURT: All right. And you realize</p> <p>8 that absent someone taking your life, you have the</p> <p>9 potential to live many, many more years.</p> <p>10 THE DEFENDANT: Yes, sir.</p> <p>11 THE COURT: Okay. Have you thought</p> <p>12 through that process of -- that as you mature and get</p> <p>13 older that you might have a different prospective on</p> <p>14 this a year from now, five years from now, ten years</p> <p>15 from now, that if you waive the process and are</p> <p>16 executed, you will never have that opportunity?</p> <p>17 THE DEFENDANT: I'm aware of that, sir.</p> <p>18 I've thought about this for the three years leading up</p> <p>19 to trial, already anticipating the sentence before it</p> <p>20 came. Then I've had time since then to do legal</p> <p>21 research including my right under the Code of Criminal</p> <p>22 Procedure to waive any and all -- anything, any rights</p> <p>23 that I have in a criminal proceeding.</p> <p>24 THE COURT: And I know you've discussed</p> <p>25 this with Mr. Levenson but he and his staff and his</p>	<p style="text-align: right;">16</p> <p>1 MR. LEVENSON: I do want to point out that</p> <p>2 while Mr. Mullis can remove us from the case, he really</p> <p>3 can't effectuate a habeas waiver until the time comes</p> <p>4 when the petition would be due which raises again the</p> <p>5 question. It's unclear at this point when the habeas</p> <p>6 would be -- what the due date is for the habeas.</p> <p>7 That's why we filed our Motion for Continuance of time,</p> <p>8 so that even if Mr. Mullis has removed us as his</p> <p>9 attorneys, he would still have the opportunity to -- if</p> <p>10 he changed his mind about filing the habeas, he would</p> <p>11 have a due date for that habeas.</p> <p>12 As it stands right now when the transcript</p> <p>13 comes out, then Mr. Mullis has 30 days in which to file</p> <p>14 an appeal. Though Mr. Mullis has told me repeatedly</p> <p>15 that he's not going to file an opening brief, he could</p> <p>16 change his mind at the last minute and do that. That's</p> <p>17 why we filed our motion for continuance last week.</p> <p>18 With no appeal being filed, the statutory</p> <p>19 time for the petition to be due would be roughly</p> <p>20 September 19th. Then under 11.071 the Court can give a</p> <p>21 90-day extension of time and usually does. So, it</p> <p>22 would take us into the December period.</p> <p>23 So, we would at least request, if Mr.</p> <p>24 Mullis does manage to remove us from his case, that the</p> <p>25 court grant him at least a continuous until that</p>

<p style="text-align: right;">17</p> <p>1 December date so he could make up his mind whether he 2 wanted to file something on his own. That would at 3 least give him a date certain to do that. That date 4 would go away if Mr. Mullis did file an appeal. Then 5 it's up to the State to file a response and then the 6 clock starts ticking again.</p> <p>7 But again the main point is that Mr. 8 Mullis can't really waive his habeas until the time 9 it's due and that would be another reason for keeping 10 us on the case because we could continue to work on the 11 case during this time. He's going to be sitting either 12 here or at Polunsky and we certainly have the time and 13 energy and the desire to work on Mr. Mullis' case on 14 his behalf.</p> <p>15 THE COURT: Okay. Regarding that issue of 16 extending the time, do you have any questions about 17 that, Mr. Mullis?</p> <p>18 THE DEFENDANT: No, sir.</p> <p>19 THE COURT: Okay.</p> <p>20 THE DEFENDANT: It would have to actually 21 be a requirement in any case because this hearing is 22 taking place after the writ initial expiration date 23 given the fact that I will not be filing an appeal.</p> <p>24 THE COURT: Okay. Anything further from 25 the State?</p>	<p style="text-align: right;">19</p> <p>1 the extension at least through December 19th, Mr. 2 Mullis, okay?</p> <p>3 I think -- and again I'm going to review 4 the file some more. I would urge you that the wise 5 thing to do would allow the office of capital writs to 6 continue working on this through that time. If you 7 ultimately waive, fine. At least they won't be behind 8 the game if you change your mind in the next three 9 months. They wouldn't have to kind of crank back up 10 and try to catch up with the time they've lost. Do you 11 understand my reasoning?</p> <p>12 THE DEFENDANT: I understand, though I 13 have to say I disagree with that, with keeping them on 14 board. Because part of the issue is that we're running 15 a 60-day timeline now or just over 60-day timeline now 16 and we're practically burning time and if it comes down 17 to the last minute, there could be a mistake that could 18 cause me to not be able to waive my appeal. It could 19 affect my right to waive my appeal, violate that right 20 to waive that appeal, if I choose -- or the habeas if I 21 choose to because the deadline ran down to the last 22 minute and the Court did not take action in time.</p> <p>23 THE COURT: Mr. Levenson, do you have an 24 opinion on that issue?</p> <p>25 MR. LEVENSON: I think Mr. Mullis can --</p>
<p style="text-align: right;">18</p> <p>1 MS. CAMERON: Your Honor, the State does 2 not oppose any request for extension. And is it my 3 understanding that Mr. Mullis is not discharging his 4 attorneys, his writ attorneys at this day; he is going 5 with the extension that they have asked for and that 6 would be up until what period?</p> <p>7 THE COURT: I think the date that the 8 order asked to be extended is December 19th?</p> <p>9 MR. LEVENSON: December 19th.</p> <p>10 THE COURT: Okay.</p> <p>11 MR. LEVENSON: Either with us as his 12 attorneys or without us as his attorneys he would have 13 until that date in which to file a petition if he did 14 not file an appeal. He could still in pro se file a 15 petition even if he discharges us as attorneys. I just 16 wanted to give him a date certain that he had to file a 17 petition if he didn't file an appeal.</p> <p>18 MS. CAMERON: So, does that mean that 19 Mr. Mullis is discharging you-all today?</p> <p>20 THE COURT: Well, I think that's the 21 desire that Mr. Mullis has expressed.</p> <p>22 THE DEFENDANT: Yes, sir.</p> <p>23 THE COURT: I am going to take that under 24 advisement as to whether I'm going to acquiesce and 25 grant that and go along with it. I am going to grant</p>	<p style="text-align: right;">20</p> <p>1 if we're permitted to stay on this case -- Mr. Mullis 2 has expressed his concerns to me before. If his 3 petition is filed and Mr. Mullis wishes to withdraw it, 4 I do not believe that this Court or the Court of 5 Criminal Appeals will not listen to that. I think 6 we'll be back here again if it's in front of this Court 7 and this Court will have to determine whether Mr. 8 Mullis really intends to at that point waive his habeas 9 because the habeas deadline has passed and something is 10 on file. He can actually seek to withdraw at that time 11 if he is found to be competent.</p> <p>12 So, I don't share the same fears. Though 13 I'm not standing in his shoes, I don't have the same 14 fears the Court wouldn't let him withdraw the petition 15 if it was filed.</p> <p>16 THE COURT: Okay.</p> <p>17 Mr. Mullis, I'm certainly going to take 18 your desires into consideration as I ponder this in the 19 next 24 hours when I make my decision -- okay?</p> <p>20 Anything further from the State or 21 Defense?</p> <p>22 Mr. Roady.</p> <p>23 MR. ROADY: Actually, Judge, to clarify 24 and it's probably already been said -- I want to be 25 sure that everyone is clear on it. Mr. Mullis does</p>

<p style="text-align: right;">21</p> <p>1 understand that there's a very limited time for him to</p> <p>2 file his writ application and that if he waits beyond</p> <p>3 this date in December, then it will be too late. And</p> <p>4 under the statute an untimely writ application won't be</p> <p>5 considered and would just ask that the Court verify</p> <p>6 that with Mr. Mullis.</p> <p>7 THE COURT: Mr. Mullis, I'm sure Mr.</p> <p>8 Levenson has gone over this with you. But you just</p> <p>9 heard what the State had to say. There is kind of a</p> <p>10 deadline and if you wait beyond that, it's ineffective.</p> <p>11 THE DEFENDANT: Essentially as I</p> <p>12 understand it, by law, if Mr. Levenson and his office</p> <p>13 were to be released and nothing is filed by December</p> <p>14 19th, that's it. The waiver is officially in effect</p> <p>15 and it's automatically already been waived and nothing</p> <p>16 can be filed.</p> <p>17 THE COURT: Okay. Do you have any other</p> <p>18 questions or concerns?</p> <p>19 THE DEFENDANT: No, Your Honor.</p> <p>20 MR. ROADY: None from the State, Your</p> <p>21 Honor.</p> <p>22 MR. LEVENSON: Does the Court need us back</p> <p>23 here tomorrow for a ruling or are you going to do a</p> <p>24 ruling and send it out?</p> <p>25 THE COURT: I will notify you of the</p>	<p style="text-align: right;">23</p> <p>1 ask that Mr. Mullis not leave until at least -- today's</p> <p>2 Tuesday -- at least until Thursday until I've had a</p> <p>3 chance to issue a written order.</p> <p>4 MR. LEVENSON: If the Court does want us</p> <p>5 back, we're only a couple hours away.</p> <p>6 THE COURT: Very good. Thank you.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">22</p> <p>1 ruling. You're welcome to come back if you would like.</p> <p>2 MR. LEVENSON: We're going to be up at</p> <p>3 Livingston tomorrow.</p> <p>4 THE COURT: All right. Not required.</p> <p>5 All right. That will conclude this</p> <p>6 hearing.</p> <p>7 MS. CAMERON: Just one thing, Your Honor,</p> <p>8 for purposes -- since we have bench-warranted Mr.</p> <p>9 Mullis here and they would like to have him transported</p> <p>10 back for purposes of the jail, is it approved and</p> <p>11 appropriate at this time to have him bench-warranted at</p> <p>12 any time after today?</p> <p>13 THE DEFENDANT: To bring me back if</p> <p>14 necessary or to send me back up there?</p> <p>15 MR. LEVENSON: To go back --</p> <p>16 MS. CAMERON: I'm sorry --</p> <p>17 THE DEFENDANT: Are you referring to</p> <p>18 bench-warranting back to Polunsky or bench-warranting</p> <p>19 for legal purposes?</p> <p>20 MS. CAMERON: You would be going back to</p> <p>21 Polunsky.</p> <p>22 THE DEFENDANT: That's fine as long as the</p> <p>23 Court would be kind to send me a copy of the final</p> <p>24 order to Polunsky.</p> <p>25 THE COURT: Absolutely. And I'm going to</p>	<p style="text-align: right;">24</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 THE STATE OF TEXAS *</p> <p>4 COUNTY OF GALVESTON *</p> <p>5</p> <p>6 I, Judy Hansen, Official Court Reporter in and for</p> <p>7 the 122nd District Court of Galveston County, State of</p> <p>8 Texas, do hereby certify that the above and foregoing</p> <p>9 contains a true and correct transcription of all</p> <p>10 portions of evidence and other proceedings requested in</p> <p>11 writing by counsel for the parties to be included in</p> <p>12 this volume of the Reporter's Record, in the</p> <p>13 above-styled and numbered cause, all of which occurred</p> <p>14 in open court or in chambers and were reported by me.</p> <p>15 I further certify that this Reporter's Record of</p> <p>16 the proceedings truly and correctly reflects the</p> <p>17 exhibits, if any, admitted by the respective parties.</p> <p>18 WITNESS MY OFFICIAL HAND this the 14th day of</p> <p>19 October, 2011.</p> <p>20 /s/ Judy Hansen</p> <p>21 </p> <p>22 Judy Hansen, Texas CSR 4979</p> <p>23 Expiration Date: 12/31/2012</p> <p>24 Official Court Reporter</p> <p>25 122nd District Court</p> <p>Galveston County, Texas</p> <p>Galveston, Texas</p>